

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Application of: )  
)  
Ronald D. Adams et al. ) Group Art Unit: Unassigned  
) (Prior Group Art Unit: 3731)  
Application No.: Unassigned )  
) Examiner: Unassigned  
Filed: February 6, 2004 ) (Prior Examiner: J. Baxter)  
)  
For: METHOD FOR PERFORMING )  
ENDOLUMINAL )  
FUNDOPLICATION AND )  
APPARATUS FOR USE IN THE )  
METHOD )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being concurrently filed with the filing of the above-referenced application. Copies of the listed documents were either previously submitted by Applicants or cited by the Examiner in a prior application (i.e., Application No. 09/675,601, filed September 29, 2000), upon which Applicants rely for the benefits provided under 35 U.S.C. § 120. Accordingly, it is not required that copies of the cited documents be provided. 37 C.F.R. § 1.98(d).

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Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 9, 2004

By: 

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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	06530.0294-01	Appln. No.	Unassigned
Applicant	Ronald D. ADAMS et al.		
Filing Date	February 9, 2004	Group:	Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
		3,667,472	06/1972	Halpern			
		5,088,979	02/1992	Filipi et al.			
		5,403,326	04/1995	Harrison et al.			
		5,458,575	10/1995	Wang			
		5,558,665	09/1996	Kieturakis			
		5,571,116	11//1996	Bolanos et al.			
		6,067,990	05/2000	Kieturakis			
		6,086,528	07/2000	Adair			

U.S. PUBLISHED APPLICATION DOCUMENTS							
		Document Number	Publication Date	Name	Class	Sub Class	Filing Date
		2002/0156344 A1	10/24/02	Pasricha et al.			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	"A New Intraluminal Antigastroesophageal Reflux Procedure in Baboons," <u>Gastrointestinal Endoscopy</u> , Copyright 1997.
	"Laparoscopic Nissen Fundoplication is An Effective Treatment for Gastroesophageal Reflux Disease," <u>Annals of Surgery</u> , Vol. 220, No. 4, pp. 472-483, J.B. Lippincott Company.
	Pentax Literature: Product Information
	Netter's Atlas of Human Anatomy, Plates 258 & 259

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

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## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,086,600	07/2000	Kortenbach			
	6,113,609	09/2000	Adams			
	6,159,146	12/2000	El Gazayerli			
	6,312,437	11/2001	Kortenbach			
	6,387,104	05/2002	Pugsley et al.			
	6,387,437	05/2002	Martinez-Bustos et al.			

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce